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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,469	02/06/2002	Carsten Ziegs	H&U109	8908

7590

01/15/2003

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EXAMINER

SY, MARIANO ONG

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/068,469

Applicant(s)

ZIEGS, CARSTEN

Examiner

Mariano Sy

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

### **DETAILED ACTION**

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both "second end" in fig. 3, page 4, line 23 and "recess" in fig. 5, page 5, line 15. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites "optionally" in line 1. It is unclear what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim 10 recites the limitation "is present in a chain saw" in lines 1-2. It is unclear if applicant is claiming a combination of a chain saw and a subcombination of a device for braking a motor shaft.

Claim 12 recites the limitation "the outside diameter of the projections" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the outside diameter of a loop" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the radial work path" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Colletti (U.S. Patent Number 6,112,863).

Re-claim 9 Colletti discloses, as shown in fig. 1-2, a device for braking a motor shaft 16, said motor shaft is contained within a housing 14, comprising a brake band 24, and at least one guide component 122 that cooperates with the brake band and holds the brake band in its axial position, wherein the brake band comprises at least one projection 120 formed as one piece with the brake band.

Re-claim 11 Colletti discloses, as shown in fig. 1-2, wherein the at least one projection is a bulge of the brake band.

Re-claim 12 Colletti discloses, as shown in fig. 1-2, wherein an outside diameter of the projections is greater than the sum of an outside diameter of a loop formed by the brake band plus a radial work path of the loop.

Re-claim 13 Colletti discloses, as shown in fig. 1-2, wherein the guide component is attached to the housing of the motor shaft.

Re-claim 14 Colletti discloses, as shown in fig. 1-2, wherein the guide component is formed in one piece with the housing.

Re-claim 15 Colletti discloses, as shown in fig. 1-2, wherein the housing comprises at least one radial recess for receiving the projections.

Re-claim 16 Colletti discloses, as shown in fig. 1-2, wherein the recess is formed by two guide components which are the axial ends of the recess 122.

Re-claim 17 Colletti discloses, as shown in fig. 1-2, wherein the recess is formed in the housing. Since no patentable weight is given to the process of forming the housing by counterdipping in a die-casting tool, the housing of Colletti as shown can also be formed by counterdipping in a die-casting tool which is well known as disclosed by Neumann et al. (U.S. Patent Number 6,152,089).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gustafsson (U.S. Patent Number 3,776,331) discloses a brake device for power saws.

Naslund et al. (U.S. Patent Number 3,937,306) discloses an automatic brake actuator for a chain saw.

Manaki (U.S. Patent Number 4,456,100) discloses a band brake mechanism for automatic transmission.

Sharp (U.S. Patent Number 5,314,044) discloses a brake band retainer mechanism.

Neumann et al. (U.S. Patent Number 6,152,089) discloses a handheld work apparatus such as a chain saw.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427.

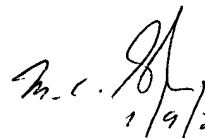
The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

 M. Sy

December 30, 2002

  
1/9/2003  
**MATTHEW C. GRAHAM**  
**PRIMARY EXAMINER**  
**GROUP 310**